

BEFORE THE WATER AND WASTE ADVISORY BOARD

3 STATE OF WYOMING

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6 HEARING TO DISCUSS GROUNDWATER MONITORING GRANT PROGRAM

7 UPDATE AND MONITORING REIMBURSEMENT PROGRAM

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10 TRANSCRIPT OF HEARING PROCEEDINGS

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12 Transcript of Hearing Proceedings in the above-
13 entitled matter before the Water and Waste Advisory
14 Board, commencing on the 26th day of February 2010 at
15 9:35 a.m. at the Oil and Gas Conservation Commission
16 Building Hearing Room, 2211 King Boulevard, Casper,
17 Wyoming, Mr. Bill Welles presiding with board members
18 Lorie Cahn and David Applegate in attendance. Also
19 present was Mr. Mike Jennings.

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1 P R O C E E D I N G S

2 (Hearing proceedings commenced 9:35
3 a.m., February 26, 2010.)

4 CHAIRMAN WELLES: Well, I guess we'll go
5 ahead and get this started, the Water and Waste Advisory
6 Board meeting. We do have a quorum. I know Marge
7 Bedessem will not be here today. I'm not sure about Tim
8 Chestnut. He was notified. But we'll go on.

9 My name is Bill Welles.

10 MS. CAHN: My name is Lorie Cahn. I
11 represent the public at large.

12 MR. APPLEGATE: Dave Applegate. I
13 represent industry.

14 CHAIRMAN WELLES: And I'm representing
15 agriculture.

16 First item on the agenda is the monitoring
17 reimbursement program. And I will ask Mike Jennings to

18 go ahead and lead that off.

19 MR. JENNINGS: Thank you, Mr. Chairman.

20 Appreciate it.

21 First, I e-mailed you and I also sent you stuff
22 by ground mail. You had a late reimbursement that came
23 in, and so I redid the agenda. The one that I intend to
24 work off, at the top, there's a red date that's 2/22/10.
25 And that's the one that I'll be working with. I know you

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1 got others in previous submittals. But if you've all got
2 that, you should be good to go.

3 Okay. Without further ado, then, first and
4 foremost, we've got a number of full reimbursement
5 recommended on that. And as per some of your actions
6 previously, I guess I'll leave that up to you if you just
7 want to do a blanket approval on those.

8 And just to let you know, also, that a lot of
9 the submittals that came in this latest batch, there were
10 multiple steps within each application. The actual
11 packets are far fewer than what you're going to see on
12 the agenda. But I do try to break them out into,
13 obviously, full reimbursement and partial reimbursement.

14 So at any rate, what we have on the full
15 reimbursement is we have a total of nine of them. And
16 again, if you have any questions on any of them --

17 MS. CAHN: On the full reimbursement?

18 MR. JENNINGS: On the full reimbursements,
19 yes.

20 MS. CAHN: I do not.

21 MR. APPLEGATE: I do not.

22 CHAIRMAN WELLES: I do not.

23 MR. JENNINGS: If you want to do what
24 we've done in the past and take care of these and just
25 move on to the others, that would be great.

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1 CHAIRMAN WELLES: I'd ask for a motion on
2 the full reimbursement.

3 MS. CAHN: I recommend approval of the --
4 or make a motion for full approval of the -- approval of
5 the full reimbursement. Okay. It is 9:30 in the
6 morning.

7 MR. APPLEGATE: I'll second.

8 CHAIRMAN WELLES: All those in favor, aye.

9 (All members vote aye.)

10 CHAIRMAN WELLES: Motion approved. So we
11 have approved all of those nine different appropriations
12 under the full reimbursement.

13 MR. JENNINGS: Okay. Mr. Chairman, on
14 page 3, then, of the agenda that I gave you --

15 CHAIRMAN WELLES: Excuse me, Mike. For
16 those of you in the audience who aren't reading the same
17 sheet of paper, would you like us to read those so you
18 know what they are? Anybody?

19 (No response.)

20 CHAIRMAN WELLES: If you do, please let us
21 know. Because we've read them all, but obviously you may
22 not have and may wonder what the heck we're doing.

23 MR. JENNINGS: Okay. Mr. Chairman,
24 beginning on page 3, starting with the partial
25 reimbursements, first one was for the Town of Elk

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1 Mountain. There were some ineligible mileage rates on
2 that. And I haven't received any comments to date. Do
3 any of you have any questions on that one?

4 CHAIRMAN WELLES: Any questions?

5 MS. CAHN: I do not.

6 MR. APPLEGATE: No. I move we accept the
7 proposed reimbursement for Elk Mountain.

8 MS. CAHN: I second.

9 CHAIRMAN WELLES: We're just going to do
10 it one by one? Do you want to do that? I guess we
11 should.

12 MS. CAHN: That's fine. Maybe we should
13 just go through the whole group of them and then approve
14 them unless anybody has comments.

15 CHAIRMAN WELLES: Yeah, let's do that.

16 MR. JENNINGS: Would you like me to run
17 down each one just briefly individually and then let the
18 board act?

19 CHAIRMAN WELLES: Yeah.

20 MR. JENNINGS: Second one was for the
21 Encampment landfill. There were some items within their
22 submittal that had to do with methane monitoring, which
23 is ineligible for this program. The third one would be

24 for the Town of Sinclair, Sinclair Number 2 landfill,
25 also some excessive mileage rates in that. And again, as
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1 a reminder, we try to stick with the IRS recommendations.

2 The fourth one, Encampment landfill, there were
3 again some ineligible methane monitoring activities, some
4 ineligible materials that they use, also some excessive
5 vehicle mileage rates, plus some duplicative materials.
6 Next one is Town of Sinclair. Again, excessive mileage
7 rates. There were some per diem charges which I could
8 not find supported by labor activities at the same time
9 and date.

10 Next one after that, Town of Lusk. Just for
11 clarification on that, they had accidentally omitted a
12 little over \$6,000 in eligible charges. Made them aware
13 of that, placed that into that, and then went back and
14 reduced some of that for ineligible permeability testing,
15 which was not part of our program. And there was also an
16 ineligible charge for a performance bond, which is
17 specifically not allowed per our criteria that we have.

18 After that, we have Town of Elk Mountain.
19 There were some excessive mileage rates. There was some
20 lack of mileage documentation. There were some
21 ineligible mileage charges related to well development.
22 Again, what I would see in a case like that is there is a
23 date with mileage, yet no corresponding activities on
24 those dates. There was some lack of labor documentation
25 related to per diem charges. Basically, they submitted
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1 slips showing these dates. And again, based on the
2 activities within the submittals, there were no
3 activities. Probably an error. Not sure. Just took
4 those materials out. Also some ineligible well
5 development charges. And I had to correct the
6 communication fee that we charge.

7 Next one after that is the Worland Number 2
8 landfill. They made a small error in their submittal. I
9 revised their initial total upward by a small amount. I
10 just try to keep the numbers straight. And then there
11 were some ineligible markups, ineligible mileage rates
12 and some ineligible meals.

13 Next one after that was Town of Hulett. There

14 were some previously reimbursed items and some excessive
15 mileage rates on that one. And then the last one, for
16 the Lander landfill, ineligible work and excessive
17 mileage rates. And that's all I've got on those.

18 Does anybody have any questions on any of
19 those?

20 CHAIRMAN WELLES: Any questions? No
21 response.

22 (No response.)

23 CHAIRMAN WELLES: No questions? Could I
24 have a motion?

25 MR. APPLEGATE: I move we accept the

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1 proposal for partial reimbursement on the ones that we've
2 just gone through.

3 MS. CAHN: I second.

4 CHAIRMAN WELLES: All those in favor.

5 (All members vote aye.)

6 CHAIRMAN WELLES: Motion passes. So we
7 would recommend partial reimbursement to those
8 applications that we just went through.

9 MR. JENNINGS: And, Mr. Chairman, also, I
10 wanted to go into really quickly on our update here.

11 MS. CAHN: Before your boss's boss leaves
12 the room, I just want to say, in case he hasn't heard us
13 say this at other meetings, we really appreciate the
14 clarity with which he does his job and presents these
15 packages to us. Because as you've just seen, it's very
16 easy for us to go through this. And we really appreciate
17 all the work and all the stuff he's done to work with us
18 to make it so we can do these really quickly. So really
19 appreciate it.

20 CHAIRMAN WELLES: I would echo that it's
21 very well done. I was going to say the same thing, but
22 you beat me to it.

23 MS. CAHN: I saw him leaving.

24 MR. ANDERSON: Well, Mr. Chairman, we pat
25 Mike on the back all the time for his diligence.

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1 CHAIRMAN WELLES: Not too much.

2 MR. ANDERSON: Well, you gotta stroke him.

3 MR. JENNINGS: Thank you very much. I

4 appreciate it.

5 CHAIRMAN WELLES: It's very informative.
6 I've learned a great deal from this. And I've always
7 enjoyed the little bit of differences, the seventeen
8 cents here and whatever. But it's well done. It really
9 is. And Mike is to be commended.

10 MR. JENNINGS: Thank you.

11 Mr. Chairman, just to let you know, I'm
12 shifting gears big time because I've got a report to get
13 out. And so I'm having -- I'm processing these as best I
14 can. We have several in the hopper right now. And
15 again, I'd like to try to get their money back to them as
16 soon as possible. I don't know if this is the
17 appropriate time to ask. But I was hoping -- I've got
18 two of the three done and ready to go. I just haven't
19 gotten the information back to the applicants. But I was
20 wondering if we might not be able to stick in a
21 teleconference meeting around approximately April 8th. I
22 believe that's a Thursday.

23 MR. APPLGATE: I'm not available the 8th
24 through the 12th. I'm available the day before it.

25 MR. JENNINGS: So the date of the 7th
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1 might work?

2 MS. CAHN: 7th works for me.

3 CHAIRMAN WELLES: I think it works for me.
4 I'm not 100 percent sure, but probably. April 7th.

5 MR. JENNINGS: Well, Mr. Chairman, I will
6 basically try to get a public notice out and do
7 everything else that I need to take care of. But if that
8 will work for you folks, that will be great.

9 MS. CAHN: Is that enough public notice?
10 How much public notice -- oh, it's April.

11 MR. JENNINGS: Yeah. It's 30 days for
12 public notice.

13 Okay. As a quick update -- and this is -- oh,
14 it was the earlier part of this month. And again, just
15 to let you know, the monies that you folks have approved
16 today is just shy of a quarter of a million dollars. And
17 so far on that, just a little over 140,000 for work plan
18 grants. A little over \$1.7 million has been spent on
19 field investigations. Sampling analysis, again, that's

20 kind of bringing up the rear, but a little over \$70,000.
21 But again, please remember, there's a lot of facilities
22 out there that aren't eligible for those monies. And
23 we've still got invoicing and applications coming in on a
24 lot of this stuff. I'm not sure how much into the future
25 these applications are going to go, but we've still got
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1 plenty of money to handle it.
2 As far as the work completion status, again,
3 based on 115 eligible landfills and requesting work plans
4 from 105 of those, we've received 98 work plans. And 96
5 of those 98 have been approved. And of those 96, we've
6 got drilling reports for 77, which is a little over 73
7 percent. And approved on those is 60 percent.

8 Just to let you know, also, all of the staff in
9 all three districts has been taking the chemical data
10 that's come in from the well sampling. They've been
11 doing a lot of statistical work. We hope to have a lot
12 of that buttoned up by the end of this month, if not just
13 the early part of March, where we're then going to start
14 taking that data and grouping it and basically seeing
15 what we've got.

16 And that's pretty much all I have for this.
17 Does anybody have any questions or comments?

18 By the way, just to let you know, and Marge had
19 requested it during the previous one, I did put -- in
20 case there were any conflicts of interest, I do have the
21 consultants listed on the agendas now to help folks out
22 with that if there's a problem with that. But is there
23 anything else I can answer or help you with?

24 CHAIRMAN WELLES: So you figure you'll
25 have sort of a report sometime in April on some of the
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1 data collected from the drilling reports?

2 MR. JENNINGS: The data's coming in, but
3 we're actually -- and we've been kicking this around.
4 The report itself is due to the legislature on June 30th.
5 Typically, however, they like things 30 days in advance.
6 So we're basically looking at the end of May. We're
7 guessing it will be probably at least two weeks of
8 back-and-forth editing, et cetera, et cetera.

9 So, in theory, we'd like to have all of the

10 data, all of the numbers crunched, the dollars,
11 everything, by approximately the middle of April. That's
12 what we're shooting for. And like I say, that's why I've
13 had to shift gears, because I'm working big time on that
14 right now. But that's where we're at with it.

15 MR. APPLEGATE: Quick question. The ten
16 landfills, you have eligible, 115, and requested from,
17 105. Who are the ten landfills?

18 MR. JENNINGS: Some of them may have
19 already had adequate networks in place, in which case we
20 didn't need to necessarily request that they submit for
21 application, in other words, submit for work to put in
22 additional wells. There was a number of different -- and
23 I apologize. We have a big spreadsheet that has all of
24 that in it. And if you're interested, David, I'll be
25 more than happy to get that to you, and Mr. Chairman, to

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1 get that information to you folks. If you're interested
2 in that aspect of it, be more than happy to kind of show
3 you where we're at with that stuff.

4 MR. APPLEGATE: I'm just curious of the
5 ten. That explains it. And at this point you've
6 received from 98 out of 105. So the other seven, are
7 they going to respond?

8 MR. JENNINGS: Well, that's a good
9 question. My impression, there may be some out there
10 that may not, for whatever reason.

11 CHAIRMAN WELLES: But that will all be in
12 your report going to the legislature?

13 MR. JENNINGS: Yes.

14 MR. APPLEGATE: So at this point in time,
15 it doesn't sound like you would expect additional work
16 plans. You've got 98 out of 105. You've had 93 percent
17 response. That's kind of what you expect.

18 MR. JENNINGS: And your point is well
19 taken, with the exception of -- and that was a number of
20 the work plans that were actually in the submittal today.
21 Because depending upon what additional work may be
22 required, the project managers have required additional
23 work plans and say, okay, what are you going to do with
24 additional wells? When we take a look at the data as it
25 comes in, they try to determine, hey, is the coverage

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1 sufficient to detect a release? And a lot of that has to
2 do with groundwater flow directions. There's a lot of
3 different variables in there. And as the data first
4 comes in from the first set of wells, it may be
5 sufficient, or they may determine that, by golly, the
6 groundwater flow direction is this way, and we need to
7 cover that end of the facility, which may require
8 additional wells.

9 So, basically, as an iterative process for the
10 well installation, they may be required to put in more
11 wells. That has happened in several cases here. And
12 that being the case, typically they may be required to
13 submit a work plan for that. So I still list them under
14 work plans. But it gets very convoluted. But there's
15 still potential for additional work plans, but they
16 wouldn't be considered the initial work plan.

17 MR. APPLEGATE: Do you anticipate
18 providing us with a copy of the report?

19 MR. JENNINGS: Excuse me?

20 MR. APPLEGATE: Do you anticipate
21 providing us with a copy of the report?

22 MR. JENNINGS: Absolutely.

23 MR. APPLEGATE: So we'll get it about the
24 same time as it goes to the --

25 MR. JENNINGS: Absolutely.

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1 CHAIRMAN WELLES: Any other questions from
2 the board?

3 (No response.)

4 CHAIRMAN WELLES: Thank you.

5 MR. JENNINGS: And, Mr. Chairman, if
6 you're going to break between this and the next segment,
7 I've got all of the cost spreadsheets here. So if you
8 wish to spend just a couple minutes with me signing off
9 on them, that would be great.

10 COMMISSIONER WELLES: Yep.

11 MR. JENNINGS: Thank you so much for your
12 time. Appreciate it.

13 CHAIRMAN WELLES: Thank you. Appreciate
14 it.

15 Before we go into the next part of the program

16 with the Chapter 24 water quality regulations, I would
17 suggest that we do take a short break, ten minutes. Is
18 that good for everybody? Okay. We'll recess for ten
19 minutes.

20 (Hearing proceedings concluded
21 9:53 a.m., February 26, 2010.)

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1 C E R T I F I C A T E

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3 I, RANDY A. HATLESTAD, a Registered Merit
4 Reporter, do hereby certify that I reported by machine
5 shorthand the proceedings contained herein constituting a
6 full, true and correct transcript.

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8 Dated this 18th day of March, 2010.

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RANDY A. HATLESTAD
Registered Merit Reporter

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